

**IN THE UNITED STATES COURT
OF FEDERAL CLAIMS**

BLUE CARE NETWORK OF MICHIGAN,
and BLUE CROSS BLUE SHIELD OF
MICHIGAN MUTUAL INSURANCE
COMPANY,

Plaintiffs,

v.

THE UNITED STATES,

Defendant.

No. 20-1000

(Judge Davis)

JOINT STATUS REPORT

The parties respectfully submit this joint status report to request that the Court continue the stay of the remaining counts of plaintiffs' First Amended Complaint (Counts III and IV), which both concern plaintiffs' cost-sharing reduction (CSR) claims, for another 30 days.

This case is currently stayed because the Government is working with a number of CSR plaintiffs to determine whether they may efficiently resolve this matter without further litigation or at least streamline these cases. *See* Doc. 22 at 1. On November 8, 2021, the Court continued the stay and ordered the parties to file a joint status report or joint stipulation of dismissal on or before December 4, 2021.

The parties request that the Court continue the stay to provide more time for the broader discussions about possible approaches to resolving this and other CSR cases. As the parties reported before, counsel for a large number of plaintiff health plans were developing a proposal to share with the Government. Counsel for those plaintiffs presented their proposal to the Government today, December 3, 2021. Now, the Government's counsel must consult with and

obtain approval from its decision makers and stakeholders and will provide a substantive response to counsel's proposal and methodology. Plaintiffs here have expressed a willingness to consider seriously the method, if any, that the Government is able to agree to with the other CSR plaintiffs for resolving or streamlining the CSR cases. The complexity of the CSR cases and the number of interested stakeholders necessitate that the parties be afforded additional time for these efforts. Good cause therefore exists to continue the stay.

Accordingly, the parties jointly request that the Court continue the stay in this case for another 40 days. The parties also propose that they be given until January 12, 2022 to file a joint status report providing an update to the Court on these efforts or to file a joint stipulation of dismissal.

Respectfully submitted,

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